

DECISIONS PER CURIAM, FROM OCTOBER 6, 1919, TO NOVEMBER 17, 1919, NOT INCLUDING ACTION ON PETITIONS FOR WRITS OF CERTIORARI.

NO. 462. *ERIE RAILROAD COMPANY v. JAMES JOHN HISSEY FOR THE USE OF JOHN A. CHAPMAN ET AL.* Error to the Circuit Court of Appeals for the Seventh Circuit. Motion to dismiss and petition for certiorari submitted October 6, 1919. Motion for leave to amend petition for removal submitted October 13, 1919. Decided October 20, 1919. *Per Curiam.* Dismissed for want of jurisdiction upon the authority of § 237 of the Judicial Code, as amended by the Act of September 6, 1916, c. 448, § 2, 39 Stat. 726. Petition for certiorari and motion for leave to amend petition for removal denied. *Mr. Mitchell D. Follansbee* for plaintiff in error. *Mr. Murry Nelson* and *Mr. Cyrus Bentley* for defendant in error.

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NO. 13. *WILLIAM J. HOGARTY v. PHILADELPHIA & READING RAILWAY COMPANY.* Error to the Supreme Court of the State of Pennsylvania. Submitted October 8, 1919. Decided October 20, 1919. *Per Curiam.* The writ of error in this case is dismissed for want of jurisdiction upon the authority of § 237 of the Judicial Code, as amended by § 2 of the Act of September 6, 1916, c. 448, 39 Stat. 726.

The application, consented to by the parties, to convert *nunc pro tunc* the writ of error into a writ of certiorari, or to treat the writ of error as having the effect of a writ of certiorari, is also denied. See Act of September 6, 1916, c. 448, § 7, 39 Stat. 728; *Richard H. Dana, individually, v. Richard H. Dana, Executor, etc.*, decided October 13, 1919.

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*Mr. Alexander Simpson, Jr., and Mr. Ira Jewell Williams* for plaintiff in error. *Mr. William Clarke Mason and Mr. Charles Heebner* for defendant in error.

NOTE: In the cited case of *Dana v. Dana* the court on the day mentioned denied a motion to stay the mandate and to amend the proceedings on error into proceedings as on writ of certiorari. See also *S. C., ante*, 220.

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NO. 175. *ARMOUR & COMPANY ET AL. v. NEW YORK, NEW HAVEN & HARTFORD RAILROAD COMPANY ET AL.* Error to the Superior Court of the State of Rhode Island. Motion to dismiss or affirm submitted October 6, 1919. Decided October 20, 1919. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of: (1) *Shulthis v. McDougal*, 225 U. S. 561, 569; *Norton v. Whiteside*, 239 U. S. 144, 147; *Hull v. Burr*, 234 U. S. 712, 720. (2) *Thomas v. Iowa*, 209 U. S. 258, 263; *Bowe v. Scott*, 233 U. S. 658, 664, 665; and see *El Paso Sash & Door Co. v. Carraway*, 245 U. S. 643. (3) *Spies v. Illinois*, 123 U. S. 131, 166; *Chapin v. Fye*, 179 U. S. 127, 130. *Mr. Eugene A. Kingman* for plaintiffs in error. *Mr. George H. Huddy, Jr., and Mr. Edward G. Buckland* for defendants in error.

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NO. 90. *CITY OF CHICAGO ET AL. v. THOMAS E. DEMPCY, AS CHAIRMAN, ETC., ET AL.* Error to the Supreme Court of the State of Illinois. Motion to dismiss submitted October 7, 1919. Decided November 10, 1919. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Pawhuska v. Pawhuska Oil Co., ante*, 394. *Mr. Samuel A. Ettelson and Mr. Chester E. Cleveland* for City of Chicago, plaintiff in error. *Mr. Edward J. Brundage, Mr. James H. Wilkerson, Mr. George T. Buckingham and Mr. Raymond S. Pruitt* for defendants in error.

NO. 52. CHARLES S. ASHLEY *v.* WILLIAM CUSHING WAIT ET AL. Error to the Supreme Judicial Court of the State of Massachusetts. Argued October 24, 1919. Decided November 10, 1919. *Per Curiam*. Dismissed without costs for want of jurisdiction upon the authority of *California v. San Pablo & Tulare R. R. Co.*, 149 U. S. 308, 314; *Richardson v. McChesney*, 218 U. S. 487, 492; *Stearns v. Wood*, 236 U. S. 75, 78; *United States v. Hamburg-American Co.*, 239 U. S. 466, 475. Mr. Charles R. Cummings, with whom Mr. John W. Cummings was on the brief, for plaintiff in error. Mr. William Harold Hitchcock, with whom Mr. Henry C. Attwill was on the brief, for defendants in error.

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NO. 328. KANSAS CITY *v.* PUBLIC SERVICE COMMISSION OF MISSOURI ET AL. Error to the Supreme Court of the State of Missouri. Motion to dismiss or affirm or advance submitted October 20, 1919. Decided November 10, 1919. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Pawhuska v. Pawhuska Oil Co.*, *ante*, 394; and see *City of Chicago v. Dempsey*, *ante*, 651. Mr. Matthew A. Fyke for plaintiff in error. Mr. James D. Lindsay, Mr. Frank Hagerman and Mr. Richard J. Higgins for defendants in error.

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NO. 460. RAINIER BREWING COMPANY *v.* GREAT NORTHERN PACIFIC STEAMSHIP COMPANY. Error to the Circuit Court of Appeals for the Ninth Circuit. Motion to dismiss submitted October 20, 1919. Decided November 10, 1919. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *United States v. Krall*, 174 U. S. 385; *German National Bank v. Speckert*, 181 U. S. 405; *United States v. Beatty*, 232 U. S. 463; and see *Eichel v. United States Fidelity & Guaranty Co.*, 239 U. S. 629.

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*Mr. S. J. Wettrick* for plaintiff in error. *Mr. Charles H. Carey, Mr. James B. Kerr and Mr. Charles A. Hart* for defendant in error.

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NO. 44. *HIRAM C. HIMES ET AL., TRUSTEES, ETC., ET AL. v. COMMONWEALTH OF PENNSYLVANIA.* Error to the Supreme Court of the State of Pennsylvania. Argued October 23, 1919. Decided November 10, 1919. *Per Curiam.* Dismissed for want of jurisdiction upon the authority of § 237 of the Judicial Code, as amended by the Act of September 6, 1916, c. 448, § 2, 39 Stat. 726. *Mr. Edmund Bayly Seymour, Jr.,* for plaintiffs in error. *Mr. William M. Hargest,* with whom *Mr. William I. Schaffer* was on the brief, for defendant in error.

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NO. 46. *KENTUCKY HEATING COMPANY ET AL. v. CITY OF LOUISVILLE.* Error to the Court of Appeals of the State of Kentucky. Argued October 23, 1919. Decided November 10, 1919. *Per Curiam.* Dismissed for want of jurisdiction upon the authority of § 6 of the Act of September 6, 1916, c. 448, 39 Stat. 727. *Mr. Matthew O'Doherty* for plaintiffs in error. *Mr. Maurice H. Thatcher, Mr. William T. Baskett, Mr. Pendleton Beckley and Mr. George Cary Tabb* for defendant in error.

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NO. 54. *CHRISTOPHER L. WILLIAMS, AS RECEIVER, ETC., ET AL. v. WILLIAM D. SALTER.* Appeal from the Circuit Court of Appeals for the Third Circuit. Submitted October 24, 1919. Decided November 10, 1919. *Per Curiam.* Dismissed for want of jurisdiction upon the authority of § 237 of the Judicial Code, as amended by

the Act of September 6, 1916, c. 448, § 2, 39 Stat. 726. *Mr. Stuart G. Gibboney* for appellants. *Mr. Lindley M. Garrison* for appellee.

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NO. 229. LOUISIANA NAVIGATION COMPANY, LIMITED, *v.* OYSTER COMMISSION OF LOUISIANA (NOW DEPARTMENT OF CONSERVATION OF LOUISIANA) ET AL. Error to the Supreme Court of the State of Louisiana. Argued October 22, 1919. Decided November 10, 1919. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of § 237 of the Judicial Code, as amended by the Act of September 6, 1916, c. 448, § 2, 39 Stat. 726. *Mr. Edward N. Pugh*, with whom *Mr. J. C. Gilmore* and *Mr. Thomas Gilmore* were on the brief, for plaintiff in error. *Mr. L. E. Hall* and *Mr. A. V. Coco*, for defendants in error, submitted.

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NO. 5. CITY OF BIRMINGHAM *v.* D. J. O'CONNELL. Error to the Supreme Court of the State of Alabama. Submitted October 7, 1919. Decided November 10, 1919. *Per Curiam*. Dismissed without costs for want of jurisdiction upon the authority of *Johnson v. Tennessee*, 214 U. S. 485; *California v. San Pablo & Tulare R. R. Co.*, 149 U. S. 308, 314; *Richardson v. McChesney*, 218 U. S. 487, 492; *Stearns v. Wood*, 236 U. S. 75, 78; *United States v. Hamburg-American Co.*, 239 U. S. 466, 475. *Mr. Joseph P. Mudd* and *Mr. Samuel D. Weakly* for plaintiff in error. *Mr. Augustus Benners* for defendant in error.